

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 21

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UTILITY WORKERS UNION OF AMERICA  
AFL-CIO (UWUA); INTERNATIONAL CHEMICAL  
WORKERS UNION COUNCIL-UNITED FOOD &  
COMMERCIAL WORKERS (ICWUC): AND THE  
UWUA-ICWUC JOINT STEERING COMMITTEE

Case No. 21-CB-14820

-and-

SOUTHERN CALIFORNIA GAS COMPANY

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SUPPLEMENT TO  
INTERNATIONAL CHEMICAL  
WORKERS UNION COUNCIL'S  
MOTION FOR SUMMARY  
JUDGMENT

Now comes the International Chemical Workers Union Council of the United Food & Commercial Workers ("ICWUC"), by and through the undersigned counsel, pursuant to NLRB Rule 102.24 and 102.50, and hereby supplements its motion for summary judgment.

The ICWUC understands that some have taken, or will take, the position that the ICWUC's motion for summary judgment is not timely. The ICWUC strongly disagrees. As explained more fully in its motion, the ICWUC was not served with the Charge, the Amended Charge, or the Complaint in the above action. Instead, the ICWUC received the Amended Complaint for the first time (from any source) on June 8, 2010, with an Answer date of June 18, 2010. Its motion for summary judgment was filed on the Answer date along with its Answer to the Amended Complaint. Certainly, under the circumstances of this case, the filing was done "promptly," as contemplated by NLRB Rule 102.24, after the ICWUC *first* was served with a pleading in this case.

Moreover, this matter arguably involves "one of those 'infinitesimally small abstract grievances [that] must give way to actual and existing legal problems if... [the NLRB is] ... to dispose

of [its] heavy calendars.' See, American Federation of Musicians, Local 76, 202 NLRB 620, 621 (1973). While there are important defenses of improper service that might have to be addressed here, the substantive alleged breach of the Act involves merely an alleged delay in executing a mere handbook-version of a labor agreement, that *already* (and since then) had been (and, again, has been) signed, an agreement that was put into effect by all parties *previously*, as explained in the motion, shortly after it was signed on January 31, 2009. At this point, whether there was even a minimal violation of the Act by the ICWUC is almost a mere academic matter. Thus, neither the Division of Judges, nor the parties, nor the Board, should be subjected to the more expensive procedure of a hearing, if this matter can be resolved through a motion.

WHEREFORE, the ICWUC respectfully requests that its motion be granted and that the Amended Complaint be dismissed in its entirety.

Respectfully submitted,

s/Randall Vehar

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of June, 2010, a copy of the foregoing was emailed to the following persons and was filed electronically with the Board's Washington, D.C. office:

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s/Randall Vehar

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